

EXHIBIT 1

1 Kathleen Sullivan (SBN 242261)
kathleensullivan@quinnemanuel.com
2 Todd Anten (*admitted pro hac vice*)
toddanten@quinnemanuel.com
3 QUINN EMANUEL URQUHART &
SULLIVAN LLP
4 51 Madison Avenue, 22nd Floor
New York, NY 10010
5 Telephone: (212) 849-7000
Facsimile: (212) 849-7100

6 Sean S. Pak (SBN 219032)
seanpak@quinnemanuel.com
7 Amy H. Candido (SBN 237829)
amycandido@quinnemanuel.com
8 John M. Neukom (SBN 275887)
johnneukom@quinnemanuel.com.
9 QUINN EMANUEL URQUHART &
SULLIVAN LLP
10 50 California Street, 22nd Floor
San Francisco, CA 94111
11 Telephone: (415) 875-6600
12 Facsimile: (415) 875-6700

13 David Nelson (*admitted pro hac vice*)
davenelson@quinnemanuel.com
14 QUINN EMANUEL URQUHART &
SULLIVAN LLP
15 500 W Madison St, Suite 2450
Chicago, IL 60661
16 Telephone: (312) 705-7465
Facsimile: (312) 705 7401

17 *Attorneys for Plaintiff Cisco Systems, Inc.*

Steven Cherny (*admitted pro hac vice*)
steven.cherny@kirkland.com
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Adam R. Alper (SBN 196834)
adam.alper@kirkland.com
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, California 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

Michael W. De Vries (SBN 211001)
michael.devries@kirkland.com
KIRKLAND & ELLIS LLP
333 South Hope Street
Los Angeles, California 90071
Telephone: (213) 680-8400
Facsimile: (213) 680-8500

19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

21 CISCO SYSTEMS, INC.,

22 Plaintiff,

23 vs.

24 ARISTA NETWORKS, INC.,

25 Defendant.

CASE NO. 5:14-cv-5344-BLF (NC)

**CISCO'S REPLY IN SUPPORT OF ITS
ADMINISTRATIVE MOTION TO SEAL
PORTIONS OF THE TRIAL
TRANSCRIPT (ECF NOS. 699, 705, 711,
722, 734)**

Dept: Courtroom 3 - 5th Floor
Judge: Hon. Beth Labson Freeman

1 Arista does not challenge Cisco's designations of information that Cisco seeks to seal. Rather,
 2 Arista's Opposition is limited to whether Cisco's Motion is timely. But Arista's Opposition misstates
 3 General Order No. 59 to support its argument that Cisco's Motion is untimely. The portion of General
 4 Order No. 59 that lays out the timing quoted in Arista's Opposition is limited to requests from a party
 5 to redact "(a) Social Security numbers; (b) financial account numbers; (c) names of minor children;
 6 (d) dates of birth; and, (e) home addresses of individuals." General Order No. 59 at preamble and ¶¶
 7 3, 4. If a party seeks to redact one of those specific personal identifiers, the party must file a Notice of
 8 Intent to Request Redaction within five days, and then "must submit directly to the court reporter a
 9 statement indicating where the personal identifiers appear in the transcript by page and line and how
 10 they are to be redacted" within 21 days. *Id.*

11 The information that Cisco seeks to seal from the trial transcript does not fall under any of the
 12 personal identifiers listed in General Order No. 59. *See* Exhibit A to Jenkins Declaration, ECF 768.
 13 As such, Cisco did not, and could not, use that procedure to request the redactions that it is seeking.
 14 Instead, as General Order No. 59 instructs, "[i]f a party wants **other information** redacted from the
 15 transcript, that party must move the Court for further redaction by noticed motion served on all parties
 16 and the court reporter." *Id.* at ¶ 4 (emphasis added). That is what Cisco did by filing this Motion.

17 General Order No. 59 is silent on the timing of a party filing a motion to redact information
 18 other than personal identifiers¹. Cisco is not aware of, and Arista failed to cite, any cases that
 19 prescribe time limits for such a motion. In this case, the trial transcripts at issue are still locked and
 20 not set to be publicly available on Pacer until March 1, 2017, at the earliest. *See* ECF 699 ("[r]elease
 21 of Transcript Restriction set for 3/1/2017"); General Order No. 59 at ¶ 4 (if a party files a motion to
 22 redact information other than personal identifiers "[t]he transcript will not be electronically available
 23 to the general public until the Court has ruled on any such motion.") Accordingly, Cisco's Motion is
 24 timely and Cisco respectfully requests that the Court redact the narrowly tailored portions of the trial
 25 transcript as set out in Cisco's Motion.

26 ¹ Arista cites to the trial transcript to suggest that the Court reduced the time available to the
 27 parties to file a motion to redact the transcript. *Opp.* at 1 n.1. However, there the Court was
 28 introducing a procedure as a "a backstop to protect [the parties'] confidential information," not
 overruling the redaction procedures set out in General Order No. 59. Trial Tr. at 530:22-531:18.

1
2 Dated: February 22, 2017

Respectfully submitted,

3 /s/ Kathleen Sullivan

4 Kathleen Sullivan (SBN 242261)
5 kathleensullivan@quinnemanuel.com
6 Todd Anten (*admitted pro hac vice*)
7 toddanten@quinnemanuel.com
8 QUINN EMANUEL URQUHART &
9 SULLIVAN LLP
10 51 Madison Avenue, 22nd Floor
11 New York, NY 10010
12 Telephone: (212) 849-7000
13 Facsimile: (212) 849-7100

14 Sean S. Pak (SBN 219032)
15 seanpak@quinnemanuel.com
16 Amy H. Candido (SBN 237829)
17 amycandido@quinnemanuel.com
18 John M. Neukom (SBN 275887)
19 johnneukom@quinnemanuel.com
20 QUINN EMANUEL URQUHART &
21 SULLIVAN LLP
22 50 California Street, 22nd Floor
23 San Francisco, CA 94111
24 Telephone: (415) 875-6600
25 Facsimile: (415) 875-6700

26 David Nelson (*admitted pro hac vice*)
27 davenelson@quinnemanuel.com
28 QUINN EMANUEL URQUHART &
SULLIVAN LLP
500 W Madison St, Suite 2450
Chicago, IL 60661
Telephone: (312) 705-7465
Facsimile: (312) 705 7401

Steven Cherny (*admitted pro hac vice*)
steven.cherny@kirkland.com
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Adam R. Alper (SBN 196834)
adam.alper@kirkland.com
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, California 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

Michael W. De Vries (SBN 211001)

1 michael.devries@kirkland.com
2 KIRKLAND & ELLIS LLP
3 333 South Hope Street
4 Los Angeles, California 90071
5 Telephone: (213) 680-8400
6 Facsimile: (213) 680-8500

Attorneys for Plaintiff Cisco Systems, Inc.